

Version with Markings to Show Changes Made

1. (Three Times Amended) A cordless telephone, comprising:
a remote handset;
a base unit matched to said remote handset; and
an MPEG audio player integrated within at least one of said remote handset and said base unit;

wherein said remote handset can [adaptively] switch between performing as a telephony device and performing as said MPEG audio player.

6. (Twice Amended) A method of integrating an MPEG audio player in a cordless telephone, comprising:

connecting a base unit of said cordless telephone to a public switched telephone network (PSTN); and

playing MP3 music from a remote handset of [a] said cordless telephone.

18. (Twice Amended) Apparatus for integrating an MPEG audio player in a cordless telephone, comprising:

means for playing pre-loaded MP3 music from a remote handset of a cordless telephone;

means for connecting a base unit of said cordless telephone to a public switched telephone network (PSTN).

Kindly add the following new claims

--29. (NEW) The cordless telephone according to claim 1, wherein:

said switch is based on receipt of a trigger signal from said base unit of said cordless telephone.---

REMARKS

Claims 1, 6 and 18 are amended herein. Claim 29 is added herein. Claims 1, 2, 4-15, 17-25 and 27-29 are pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

35 USC 112 First Paragraph Rejection of Claim 1

The Office Action rejected claim 1 as allegedly containing subject matter which was not described in the specification under 35 USC 112.

In particular, the disclosure allegedly does not disclose “the remote handset can switch between performing as a telephone device and performing as a MPEG audio player. The Applicants respectfully disagree.

The Examiner is directed to, e.g., page 5, lines 5-27 that details a remote handset that receives an incoming call and switches from a user listening to an MP3 digital music audio stream to answering the incoming call. The MP3 digital music audio stream is muted for the duration of the call.

It is respectfully submitted that claim 1 is in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4 and 5 over Borland in view of Rostoker and Rydbeck

In the Office Action, claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being obvious over Borland, U.S. Patent No. 6,343,217 (“Borland”) in view of Rostoker et al., U.S. Patent No. 6,035,212 (“Rostoker”), and further in view of Rydbeck et al., International Publication No. WO 99/43136 (“Rydbeck”). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as three (3) separate patents to allegedly arrive at the presently recited invention is evidence of the non-obviousness of the present invention.

Claims 1, 2, 4 and 5 recite, *inter alia*, a remote handset of a matched base unit that can switch between performing as a telephony device and an MPEG audio player.

Borland appears to disclose a digital cordless telephone system using lossless pulse code modulation (PCM) for encoding an audio signal (Abstract). The system uses an uncompressed encoding scheme to reduce costs and improve the quality of implementation (Borland, col. 4, lines 14-52).

The Office Action correctly acknowledged that Borland fails to disclose an MPEG audio player integrated within at least one of a remote handset and a base unit (Office Action, page 3). However, the Office Action relies on Rostoker to allegedly make up for the deficiencies in Borland to arrive at the recited invention. The Applicants respectfully disagree.

Rostoker appears to disclose a wireless communication device that may take the form of a cellular telephone, a portable communication device or a personal computer that can communicate over a cellular network (Abstract). The wireless communication device is configured to self adapt to various operating frequencies and communication protocols (Rostoker, Abstract). The wireless communication device is able to recognize various compression schemes including motion picture experts group (MPEG), MPEG1, MPEG2 and MPEG4 video compressions (Rostoker, col. 13, line 60 – col. 14, line 10).

The Office Action correctly acknowledged that the combination of Borland and Rostoker fail to disclose a remote handset that can switch between performing as a telephony device and performing as an audio player (Office Action, page 4). However, the Office Action relies on Rydbeck to allegedly make up for the deficiencies in the combination of Borland and Rostoker to arrive at the recited invention. The Applicants respectfully disagree.

Rydbeck appears to disclose a cellular telephone that includes an internally integrated digital entertainment module (Abstract). Audio is played back through a headset while a user engages in leisure activities and automatically mutes or stops playback of the audio until a call is terminated (Rydbeck, page 7, lines 4-8).

Rostoker is applied to a cellular telephone communicating with a cellular network. A cellular telephone receives a call signal from a cellular relay tower. A cellular telephone receiving a call signal from a cellular relay tower is NOT a remote handset that can switch between performing as a telephony device and an MPEG audio player, as recited by claims 1, 2, 4 and 5.

Although Borland recognizes various compression schemes within the digital cordless telephone art, none of which are MPEG (Borland, col. 3, line 64 – col. 4, line 2). A central focus of Borland's invention is to NOT use compression (Borland, col. 4, lines 14-16). Borland teaches away from using any type of compression within a cordless telephone to save cost. Therefore, it could not be obvious to add any type of data compression to Borland's system which discloses to operate without data compression.

Rydbeck discloses a cellular telephone that switches between playing audio and performing a telephony function. A cellular telephone receives a call signal from a cellular relay tower. A cellular telephone receiving a call signal from a cellular relay tower is NOT a remote handset of a matched based unit that can switch between performing as a telephony device and an MPEG audio player upon receipt of a trigger signal, as recited by claims 1, 2, 4 and 5.

Neither Borland, Rostoker nor Rydbeck, either alone or in combination, disclose, teach or suggest a remote handset of a matched base unit that can switch between performing as a telephony device and an MPEG audio player, as recited by claims 1, 2, 4 and 5.

Accordingly, for at least all the above reasons, claims 1, 2, 4 and 5 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 over Borland in view of Rostoker and Razavi

In the Office Action, claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Borland in view of Rostoker, and further in view of Razavi et al., U.S. Patent No. 6,253,122 ("Razavi"). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as three (3) separate patents to allegedly arrive at the presently recited invention is evidence of the non-obviousness of the present invention.

Claims 6, 7, 11, 13-15 and 17 recite, *inter alia*, playing MP3 music from a remote handset of a cordless telephone connected to a PSTN. Claims 18, 21, 23-25, 27 and 28 recite, *inter alia*, playing pre-loaded MP3 music from a remote handset of a cordless telephone connected to a PSTN.

As discussed above, neither Borland nor Rostoker, either alone or in combination, disclose, teach or suggest an MPEG audio player integrated within a remote handset of a cordless telephone, as recited by claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

The Office Action relies on Razavi to allegedly make up for the deficiencies in Borland and Rostoker to arrive at the recited invention. The Applicants respectfully disagree.

Razavi appears to disclose a dashboard for a vehicle comprising a monitor which displays graphical images depicting dashboard instruments (Abstract). A user may request that music in MP3 format be downloaded for a passenger's entertainment (Razavi, col. 15, lines 13-15).

Razavi's MP3 music is download to a vehicle system. A vehicle system is **NOT** a telephony system, much less a remote handset of a cordless telephone, as recited by claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

Neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone, as recited by claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28.

Accordingly, for at least all the above reasons, claims 6, 7, 11, 13-15, 17, 18, 21, 23-25, 27 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 8 over Borland, Rostoker, Razavi and Sitnik

In the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further

in view of Sitnik, U.S. Patent No. 6,300,880 (“Sitnik”). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently recited invention is evidence of the non-obviousness of the present invention.

Claim 8 is dependent on claim 6, and is allowable for at least the same reasons as claim 6.

Claim 8 recites, *inter alia*, playing MP3 music from a remote handset of a cordless telephone connected to a PSTN.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone connected to a PSTN, as recited by claim 8.

The Office Action relies on Sitnik to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the recited invention. The Applicants respectfully disagree.

Sitnik appears to disclose a multichannel switched communication system having a plurality of communication channels (Abstract). A plurality of mobile receivers, i.e., headphones, each receive a desired broadcast on one of a plurality of channels (Sitnik, Abstract). The music is played in real time as it is received by receivers (Sitnik, col. 11, lines 25-29).

Playing a broadcast on a headphone is NOT a playing MP3 music on a cordless telephone, much less playing MP3 music from a remote handset of a cordless telephone connected to a PSTN, as recited by claim 8.

Neither Borland, Rostoker, Razavi nor Sitnik, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone connected to a PSTN, as recited by claim 8.

Accordingly, for at least all the above reasons, claim 8 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 10, 19 and 20 over Borland, Rostoker, Razavi and Wingate

In the Office Action, claims 9, 10, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further in view of Wingate, U.S. Patent No. 6,006,115 (“Wingate”). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently recited invention is evidence of the non-obviousness of the present invention.

Claims 9, 10, 19 and 20 are dependent on claims 6 and 18 respectively, and are allowable for at least the same reasons as claims 6 and 18.

Claims 9, 10, 19 and 20 recite, *inter alia*, playing MP3 music from a remote handset of a cordless telephone.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone, as recited by claims 9, 10, 19 and 20.

The Office Action relies on Wingate to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the recited invention. The Applicants respectfully disagree.

Wingate appears to disclose wireless headphones that receive radio frequency transmissions from a sound system to provide music to a user (Abstract). A telephone base unit broadcasts notification of incoming phone calls to the wireless headphones (Wingate, Abstract).

Wingate's playing music from a headphone is NOT playing music from a remote handset of a cordless telephone, much less playing MP3 music from a remote handset of a cordless telephone, as recited by claims 9, 10, 19 and 20.

Neither Borland, Rostoker, Razavi nor Wingate, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone, as recited by claims 9, 10, 19 and 20.

Accordingly, for at least all the above reasons, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 12 and 22 over Borland, Rostoker, Razavi and Bartlett

In the Office Action, claims 12 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borland in view of Rostoker and Razavi, and further in view of Bartlett, U.S. Patent No. 5,519,762 (“Bartlett”). The Applicants respectfully traverse the rejection.

The Applicants respectfully suggest that the need to combine as many as four (4) separate patents to allegedly arrive at the presently recited invention is evidence of the non-obviousness of the present invention.

Claims 12 and 22 are dependent on claims 6 and 18 respectively, and are allowable for at least the same reasons as claims 6 and 18.

Claims 12 and 22 recite, *inter alia*, playing MP3 music from a remote handset of a cordless telephone.

As discussed above, neither Borland, Rostoker nor Razavi, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone, as recited by claims 12 and 22.

The Office Action relies on Bartlett to allegedly make up for the deficiencies in Borland, Rostoker and Razavi to arrive at the recited invention. The Applicants respectfully disagree.

Bartlett appears to disclose a cordless telephone that provides for improved conservation of battery power in a handset unit (Abstract).

Bartlett fails to mention MP3 music, much less playing MP3 music from a remote handset of a cordless telephone, as recited by claims 12 and 22.

Neither Borland, Rostoker, Razavi nor Bartlett, either alone or in combination, disclose, teach or suggest playing MP3 music from a remote handset of a cordless telephone, as recited by claims 12 and 22.

Accordingly, for at least all the above reasons, claims 12 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29

Claim 29 is added herein to recite a switch that is based on receipt of a trigger signal from a base unit of a cordless telephone. Neither Borland,

Rostoker, Rydbeck, Razavi, Sitnik, Wingate nor Bartlett, either alone or in combination disclose application to a cordless telephone, much less basing a switch on a trigger signal from a base unit of a cordless telephone.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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